

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

OCT 28 2016

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the
District of New MexicoMATTHEW J. DYKMAN
CLERKRaymond J. Ortega

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

(Medical)
OTERO County Detention Center

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

16 cv 1188 MV/LF
(to be filled in by the Clerk's Office)**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**
(Prisoner Complaint)**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

Raymond Ortega

N/A

03639117171 #63911-13609
Central New Mexico Correctional
P.O. Drawer 1328 Los Lunas N.M. 87031
AlamoGordo N.M. 88310
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

OTERO County Detention Center
Medical Unit of Detention Center
N/A
N/A
1958 Dr. Martin Luther King Dr.
AlamoGordo N.M. 88310
City State Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

N/A

City State Zip Code
☐ Individual capacity ☐ Official capacity

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

N/A

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

N/A

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Medical Negligence

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

C. What date and approximate time did the events giving rise to your claim(s) occur?

OR OR About September 26, 2013 and I Am
Still Receiving medical ~~treatment~~ treatment to
This Day, Cause Leg Wound Has Not Still Healed Due
To Being ADIabetic

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I Had My Leg, Right Leg Amputated.
The Correction officer put me in a Dirty Cell Bare footed
with A Hole in The floor which was used AS a toilet
to use AS URINAL, Throw-up and for Bow-movements
I Lay on floor for 3-Day Before finally Taken To
Hospital which immediately Admitted Me and Cut my leg off
The following Morning

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I Lost My leg due To NOT getting Medical
Attention from Medical staff or Detention officer
if I Would of Been given Medical Antibiotics
and Taken To Hospital on Time I would still Have
my Leg.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Reimbursement For All 3 yrs. of Medical Care ~~At~~ Max Amount
Possible
Money for Pain & Suffering and All The Mental Anguish and
Punitive Damages up To This Date and Any Further Medical
which is needed To fix My Leg.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

I was neglected And did Not Receive Proper Medical Care Resulting in the Amputation of Right Leg By Medical Staff, While incarcerated At the OTERO county Detention Center

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

ON OR About September 2013 I got Put in jail and was Put in a Cell with A Hole in the floor which Resulted ~~in~~ in Me Catching An Infection and Amputation of my Right Leg

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

September 2013 OTERO County Detention Center in ALAMOGORDO N.M. 88310

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Otero County Detention Center *Alamogordo N.M. 88310*
~~Central New Mexico Correctional Facility~~ *Martin Luther King Dr.*
P.O. Drawer 1328 Las Lunas N.M. 87031

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☒ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10-20-16

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Raymond Ortega

RAYMOND ORTEGA

#63911

P.O. Box 1328 Los Lunas N.M. 87031

Los Lunas *N.M.* *87031*
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

RAYMOND ORTEGA #63911
P.O. Box 1328
Los Lunas N.M. 87031

Jeff Floyd

RECEIVED
At Albuquerque NM

OCT 28 2016

MATTHEW J. DYKMAN
CLERK

333 Lomas Blvd. N.W.
Albuquerque N.M.

8/1/16

District of New Mexico
Office of the Clerk
Suit 270

